IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12584 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MAHESHBHAI MOTIBHAI MALI

Versus

COMMISSIONER OF POLICE

Appearance:

MS DR KACHHAVAH for Petitioner

MR SAMIR J DAVE for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/02/2001

ORAL JUDGEMENT

#. Challenge is made by the petitioner to the order dated 9-10-2000 of the Police Commissioner, Baroda city under which he was detained as a bootlegger.

#. Learned counsel for the respondents does not dispute

that the verification of the statements of the privileged witnesses have been made by the detaining authority on 8-10-2000 and this order has been passed on the very next date.

#. From this undisputed factual position, I am satisfied that this matter is squarely covered by the decision of this Court in the case of Kalidas C. Kahar vs. State of Gujarat & Ors. reported in 1993 (2) GLR 1659.

#. In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 9-10-2000 is quashed and set aside. The petitioner Maheshbhai Motibhai Mali, the detenu, at present in Bhavnagar District Jail, Bhavnagar be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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